

FY2025 H-1B Lottery Registration Begins

On January 30, 2024, U.S. Citizenship and Immigration Services (USCIS) announced that the initial registration period for the FY2025 H-1B Cap Lottery will open at noon Eastern Time (EST) on March 6, 2024, and run through noon (EST) on March 22, 2024. Both attorney representatives and registrants must wait until March 6, 2024, to create and complete H-1B registrations. USCIS intends to notify account holders of selections by March 22, 2024.

New in FY2025, USCIS will launch the previously announced organizational accounts in the USCIS online account that will allow multiple people within an organization and their legal representatives to collaborate on and prepare H-1B registrations, H-1B petitions, and any associated Form I-907 Request for Premium Processing. On February 28, 2024, USCIS will launch online filing of Form I-129 and associated Form I-907 for non-cap H-1B petitions (with the premium processing fee increasing from \$2500 to \$2805). On April 1, 2024, USCIS will begin accepting online filing for H-1B cap petitions and associated Forms I-907 for petitioners whose registrations have been selected. At this time, I-539 applications and I-765 Applications for associated dependents cannot be filed online. The H-1B filing fee increases scheduled to go into effect on April 1 will increase the filing fee from \$460 to \$780. A petitioner filing an H-1B under premium processing will need to include USCIS filing fees totaling \$5,585.

Since 2020, USCIS has been utilizing its electronic registration process for H-1B cap cases. The electronic system requires prospective petitioners seeking to file H-1B cap-subject petitions to electronically register and pay the associated \$10 H-1B registration fee for each beneficiary. This electronic registration process has streamlined processing by reducing paperwork and data exchange and has provided overall cost savings to employers seeking to file H-1B cap-subject petitions. Registrants will be able to create new organizational accounts beginning on February 28, 2024. This year, USCIS will open the initial registration period for 16 calendar days. The H-1B random selection process will then be run on properly submitted electronic registrations. Only those with selected registrations will be eligible to file H-1B cap-subject petitions.

USCIS will run the random selection process from the electronic registrations and determine which registrants will be eligible to file H-1B cap-subject petitions for the 65,000 available slots. USCIS will then select an additional 20,000 registrants reserved for those with an advanced degree from a U.S. college or university. Once selected in the random lottery, eligible registrants will then submit complete H-1B cap-subject petitions with all supporting documents to USCIS. As the demand for cap-subject H-1B visas has far exceeded the 85,000 visas available per fiscal year, we anticipate that USCIS will once again receive more registrations than there are available visas.

We urge employers to assess your hiring needs to determine which candidates will require H-1B sponsorship. These might include F-1 students on OPT; J-1 workers not subject to the two-year foreign residency requirement; TN, E-2 and L-1 workers; as well as any foreign nationals who currently reside outside the United States. To assess whether to file an H-1B registration in March, we will need to analyze the employer/petitioner, the position offered, and the beneficiary to confirm that the applicant is eligible for an H-1B visa.

Remember, the H-1B lottery only relates to cap-subject H-1B petitions. The H-1B lottery does not relate to current H-1B workers who are extending or amending their visas or changing employers (unless the current H-1B worker is working for a cap-exempt employer). The lottery would also not apply to a foreign national working for a cap exempt employer (an institution of higher education, a related or affiliated nonprofit entity, a nonprofit research organization, or a government research organization).



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Related Practice Areas

- Immigration Policy & Strategy
- Labor & Employment

Please contact our immigration team for assistance with H-1B Cap Registration Petitions.